



[FR-7062-N-02]

## **Privacy Act of 1974; Matching Program**

**AGENCY:** Office of Administration, Department of Housing and Urban Development.

**ACTION:** Notice of a New Matching Program.

**SUMMARY:** Pursuant to the Privacy Act of 1974, as amended by the Computer Matching and Privacy Act of 1988 and the Computer Matching and Privacy Protections Amendment of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of matching programs, notice is hereby given of the re-establishment of a matching program between the U.S. Department of Housing and Urban Development (HUD) and Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA).

**DATES:** Please submit comments on or before [30 DAYS FROM DATE OF PUBLICATION].

The matching program will be effective on [30 DAYS FROM DATE OF PUBLICATION] unless comments have been received from interested members of the public that require modification and republication of the notice. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice at [www.regulations.gov](https://www.regulations.gov) or to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10110, Washington, DC 20410. Communications should refer to the above docket number. A copy of each communication submitted will be available for public inspection and copying between 8:00 a.m. and 5:00 p.m. weekdays at the above address. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** To obtain additional information about this matching program and the contents of this Computer Matching Agreement between HUD and DHS-FEMA, please view this Computer Matching Agreement at the following websites:

**FEMA/DHS:** <https://www.dhs.gov/publication/computer-matching-agreements-and-notice>.

**HUD:** [https://www.hud.gov/program\\_offices/officeofadministration/privacy\\_act/cma](https://www.hud.gov/program_offices/officeofadministration/privacy_act/cma)

For general questions about this matching program, contact Matthew D. Redding, Deputy Director for Individual Assistance, U.S. Department of Homeland Security, Federal Emergency Management Agency, Individual Assistance Division, Recovery Directorate at (202) 212-7657 or Todd Richardson, General Deputy Assistant Secretary, Office of Policy Development and Research, U.S. Housing and Urban Development at (202) 402-5706. A telecommunication device for hearing- and speech-impaired individuals (TTY) is available at (800) 877-8339 (Federal Relay Service).

**SUPPLEMENTARY INFORMATION:** HUD is providing this notice in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. No. 100-503) and the Computer Matching and Privacy Protection Amendments of 1990 (Pub. L. No. 101-508) (Privacy Act); Office of Management and Budget (OMB) Final Guidance Interpreting the Provisions of Pub. L. No. 100-503, the Computer Matching and Privacy Protection Act of 1988, 54 FR 25818 (June 19, 1989); and OMB Circular A-108, 81 FR 94424 (December 23, 2016).

Following a Presidentially declared disaster or emergency, HUD and FEMA will compare and match data between the two agencies for HUD-assisted individuals (1) receiving emergency sheltering when FEMA individuals and households assistance also has been authorized or (2) FEMA housing assistance in order to transition them from FEMA assistance back into pre-approved HUD housing and conduct duplication of benefits checks. HUD Community Development Block Grant Disaster Recovery (CDBG-DR) grantees will use FEMA data received through HUD to complete duplication of benefits checks. FEMA data will be used

for additional purposes that will not determine individual benefits: HUD will use FEMA data to inform its CDBG-DR grant allocation formula and CDBG-DR grantees will use FEMA data for planning and marketing of CDBG-DR assisted activities.

**PARTICIPATING AGENCIES:** U.S. Department of Housing and Urban Development (HUD) and the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA)

**AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM:**

- A. Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended at 42 U.S.C. 5155(a) et seq.)(Stafford Act), section 312, which requires each federal agency that administers any program providing financial assistance because of a major disaster or emergency to assure that no individual or entity receives duplicate financial assistance under any program, from insurance, or through any other source. The Stafford Act, 42 U.S.C. 5155(c), requires FEMA or HUD (whichever agency provided the duplicative assistance) to recover all duplicative assistance from the recipient when the head of such agency considers it to be in the best interest of the Federal Government.
- B. Section 408(i) of the Stafford Act, 42 U.S.C. 5174(i), directs and authorizes FEMA, in carrying out Section 408 (Federal Assistance to Individuals and Households), to “develop a system, including an electronic database,” to: a) Verify the identity and address of recipients of assistance to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance, b) Minimize the risk of making duplicative payments or payments for fraudulent claims, c) Collect any duplicate payment on a claim or reduce the amount of subsequent payments to offset the amount of any such duplicate payment, d) Provide instructions to recipients of assistance regarding the proper use of any such assistance, regardless of how such assistance is distributed, and e) Conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance is denied.

- C. HUD imposes the requirements of the Stafford Act, section 312, on CDBG-DR grantees. Appropriations acts making CDBG-DR funds available, as listed in Section II.C.8 of the Computer Matching Agreement, require CDBG-DR grantees to have adequate procedures to prevent the duplication of benefits. HUD enforces these requirements on CDBG-DR grantees using its statutory and regulatory remedies for noncompliance in Section 111 of Title I of the Housing and Community Development of 1974 (42 U.S.C. 5311) and regulations at 24 C.F.R. Part 570 and 2 C.F.R. Part 200.
- D. Executive Order 13411, “Improving Assistance for Disaster Victims,” 71 FR 52729 (August 29, 2006), calls on federal agencies to “reduce unnecessarily duplicative application forms and processes for Federal disaster assistance,” which includes processing benefits applications submitted by individuals, businesses, or other entities for the same disaster.
- E. The President may authorize both emergency sheltering and Section 408 federal assistance to individuals and households, pursuant to either a major disaster under Section 403, at 42 U.S.C. 5170b, or an emergency under Section 502 of the Stafford Act, 42 U.S.C. 5192. Essential Assistance, pursuant to Section 403(a)(3)(B) of the Stafford Act, 42 U.S.C. 5170b, authorizes emergency sheltering, including both congregate and non-congregate sheltering, to meet the immediate needs of disaster survivors for a major disaster. Additionally, federal assistance where necessary to prevent human suffering under Section 502(a)(8) authorizes emergency sheltering for an emergency.
- F. The Debt Collection Improvement Act of 1996, 31 U.S.C. 3325(d) and 7701(c)(1), which requires federal agencies to collect the Taxpayer Identification Number (TIN) or Social Security Number (SSN) of each person who receives payments from the Federal Government; and each person doing business with the Federal Government is required to furnish his or her TIN. For the purposes of 31 U.S.C. 7701, a person is doing business with the Federal Government if the person is: (1) A lender or servicer in a federal guaranteed or

insured loan program administered by a federal agency, (2) An applicant for, or recipient of, a federal license permit, right-of-way, grant, or benefit payment administered by a federal agency, (3) A contractor of a federal agency, (4) Assessed a fine, fee, royalty, or penalty by a federal agency, or (5) In a relationship with a federal agency that may give rise to a receivable due to that agency such as a partner of a borrower in or a guarantor of a federal direct or insured loan administered by the federal agency. Each federal agency must inform each person required to disclose his or her TIN of the agency's intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Federal Government.

- G. The appropriations acts that authorize and appropriate supplemental CDBG-DR assistance lay out specific requirements, some of which may vary by appropriation. These appropriations acts impose requirements related to the (1) prevention of fraud, waste, and abuse, (2) order of assistance, and (3) prevention of duplication of benefits on HUD or its CDBG-DR grantees, as directed by the applicable act. The appropriations acts, listed below, also require HUD to make allocations based on a determination of unmet need in the "most impacted and distressed areas" resulting from major disasters.

Legal authority for CDBG-DR assistance is derived from Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*); subsequent appropriations acts making CDBG-DR assistance available; the following prior appropriations acts— Pub. L. 117–43, 116–20, 115–254, 115–123, 115–56, 115–31, 114–254, 114–223, 114–113, 113–2, 112–55, 111–212, 110–329, 110–252, 110–116, 109–234, 109–148, 108–324, 107–206, 107–117, 107–73, 107–38, 106–31, 105–277, 105–276, 105–174, 105–18, 104–134, 104–19, 103–327, 103–211, 103–75, and 103–50—and by the notices published in the **Federal Register** that govern CDBG-DR grant assistance including the *Updates to Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees* at 84 FR 28836 (June 20, 2019).

H. The HUD regulation at 24 C.F.R. 982.352(c) prohibits a family from receiving the benefit of Section 8 tenant-based assistance under the Housing Choice Voucher Program while also receiving the benefit of any of the following forms of other housing subsidy for the same or a different unit:

1. Public or Indian housing assistance,
2. Section 8 assistance (including other tenant-based assistance) under Section 8 of the U.S. Housing Act of 1937, 42 U.S.C. 1437f,
3. Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974),
4. Section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C.1701s (Section 101 rent supplements),
5. Section 236 of the National Housing Act, 12 U.S.C.1715z-1 (Section 236 rental assistance payments),
6. Tenant-based assistance under the HOME Investment Partnerships Program (HOME) authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C. 12701 *et seq.*,
7. Rental assistance payments under Section 521 of the Housing Act of 1949, 42 U.S.C. 258 1441 *et seq.* (a program of the Rural Development Administration),
8. Any local or state rent subsidy,
9. Section 202 of the Housing Act of 1959, 12 U.S.C. 1701q, as amended (Section 202 supportive housing for the elderly),
10. Section 811 of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C. 8013 (Section 811 supportive housing for persons with disabilities),

11. Section 202 projects for non-elderly persons with disabilities (Section 162 assistance) authorized by Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701a note, amending Section 202(h) of the Housing Act of 1959, or
12. Any other duplicative federal, state, or local housing subsidy, as determined by HUD. For this purpose, “housing subsidy” does not include the housing component of a welfare payment, a Social Security payment received by the family, or a rent reduction because of a tax credit. (June 20, 2019).

**PURPOSE:** The Computer Matching Agreement describes the respective responsibilities of HUD and DHS-FEMA to determine and verify the accuracy of the data they provide, eligibility for their respective benefits, and to preserve the confidentiality of information in accordance with the matching program. The requirements of the Computer Matching Agreement will be carried out by authorized users of HUD and DHS-FEMA (which include the agencies’ authorized employees, and contractors). The agreement also describes the responsibilities of HUD, HUD’s CDBG-DR grantees, and DHS-FEMA for other purposes, as described below.

The Computer Matching Agreement reestablishes the terms and conditions governing FEMA’s access to, and use of, HUD assistance program data and HUD’s access to, and use of FEMA’s Individual Assistance (IA), Individual’s and Household Program data. All FEMA program data that HUD provides to CDBG-DR grantees will be shared via separate agreements between HUD and CDBG-DR grantees that reflect the requirements of the Computer Matching Agreement between FEMA and HUD. The data exchanged between FEMA and HUD will be used as described in the Agreement for three purposes.

(1) FEMA will use HUD data to establish or verify initial or continuing eligibility for DHS/FEMA disaster assistance and to prevent duplicative payments, or recoup duplicative payments and delinquent debts under the programs referenced in this agreement. Additionally, FEMA and HUD will use the information to transition HUD housing recipients, whose HUD

homes are uninhabitable due to a declared disaster or emergency with Individual Assistance (IA) authorized, from emergency sheltering or FEMA housing assistance back into HUD assisted housing.

(2) HUD will use FEMA program data to develop the funding formulas to request additional appropriations from Congress and allocate funding for CDBG-DR grant awards as well as to collect FEMA data to share with HUD's CDBG-DR grantees. After calculating allocations for CDBG-DR grant awards, HUD provides CDBG-DR grantees a subset of the data used for making the allocation to the applicable CDBG-DR grantee so the CDBG-DR grantee can do planning and market the use of grant funds. These uses of FEMA data shall not determine individual benefits.

(3) HUD will provide FEMA data to CDBG-DR grantees (pursuant to separate agreements) for them to use to determine the correct award amount for eligible program beneficiaries by identifying unmet needs of FEMA applicants; prevent the duplication of benefits; implement the statutory requirement that CDBG-DR funds may not be used for activities reimbursable by or for which funds are made available by FEMA; and implement the statutory requirement to establish procedures to detect and prevent waste, fraud, and abuse of funds.

**CATEGORIES OF INDIVIDUALS:** DHS/FEMA data in this matching program includes individuals that have applied for or expressed interest in disaster assistance. HUD data in this matching program concerns individuals who have applied for or received assistance via HUD assistance programs.

**CATEGORIES OF RECORDS:** Data elements disclosed by each agency in this matching program are as follows:

A. From DHS/FEMA to HUD:

- Name (First and Last of Applicant and Co-applicant)
- Date of Birth (Applicant and Co-Applicant)
- Social Security Number (last 4 of Applicant and Co-applicant)



- Phone Number (Applicant Alternate Phone Number, Applicant Current Phone Number, Co-applicant Current Phone Number)
- Email Address of Applicant
- Applicant Registration Number
- Current Mailing Address (Street, City, County, State, Zip Code)
- Current Location (as identified in applicant registration and applicant information screen)
- Damaged Dwelling Latitude and Longitude
- Damaged Address (Street, City, County, State, Zip Code + 4 Digit Ext.)
- Access and Functional Needs (Y/N)
- Household Member Age Range (Under 5 years, 5 to 17 years, 18 to 64 years, 65 and above)
- Number of Household Members
- Number of Dependents in Household
- Current Hotel (Name, Address, City, County)
- Initial Rental Assistance Approved Date
- Direct Housing First Licensed-In Date
- Last Continued Temporary Housing Assistance Date
- Small Business Administration (SBA) HAPP Referral Flag (Y/N)
- Census Block Group ID (if applicable)
- Cause(s) of Damage from Inspection
- Destroyed Flag (Y/N)
- Disaster Number
- Flood Zone
- High Water Mark Location

- High Water Depth in Inches
- Habitability Repairs Required (Y/N)
- Gross Income (as reported at Registration)
- Insurance Types (Insurance Code)
- Level of Damage
- Owner/Renter
- Personal Property Total FEMA Verified Loss (FVL)Amount
- Personal Property Flood Damage FVL Amount
- Real Property Total FVL Amount (Aggregated for all REAL PROPERTY FVL)
- Real Property Flood Damage FVL Amount
- Residence Type
- FEMA Inspection Completed (Y/N)
- Primary Residence (RI) (Yes/No)
- Household Member Age and Name (First and Last)
- Insurance Settlement Flood Amount
- Insurance Settlement Other Amount
- Non-Compliant with Flood Insurance Requirement NCOMP Flag (Y/N)
- Temporary Housing Unit (THU) – Latest Currently Licensed-In Date
- Total Housing Assistance Approved Amount (Aggregated Eligibility Amount)
- Total Housing Assistance Approved Flood Damage Amount
- Total Other Assistance Approved Amount (Aggregated Eligibility Amount)
- Total Other Assistance Flood Damage Approved Amount
- Total Other Needs Assistance Approved Amount (Aggregated Eligibility Amount)
- Total Other Needs Assistance Flood Damage Approved Amount

- Total Personal Property Assistance Approved Amount (Aggregated Eligibility Amount)
- Total Personal Property Assistance Flood Damage Amount
- Total Repair Assistance Approved Amount (Aggregated Eligibility Amount)
- Total Repair Assistance Flood Damage Amount
- Total Replacement Assistance Approved Amount (Aggregated Eligibility Amount)

**B. From HUD to FEMA:**

- Name (First and Last of Recipient and Co-recipient),
- Social Security Number (last 4 digits of Recipient and Co-recipient),
- Date of Birth (Recipient and Co-recipient),
- Address (Street Address, State, City, County, Zip Code),
- Number of Household Members,
- HUD Program Code (Program Type: H1-Section 8 (Multifamily), H4-Section 236 (Multifamily), H7-202/PRAC (Multifamily), P-Public Housing, PBV – Project Based Voucher, TBV-Tenant Based Voucher, HV-Homeownership Voucher, CE-Certificate, MR-Mod Rehab)
- HUD Rehoused (Y/N/Unknown),
- HUD Project Code,
- HUD Public Housing Agency (PHA) Code,
- HUD Date of Recertification.

**SYSTEM OF RECORDS:**

- DHS/FEMA-008 Disaster Recovery Assistance Files System of Records Notice, 78 FR 25282 (April 30, 2013), or as amended.
- Inventory Management System (also known as the Public and Indian Housing Information Center) (IMS/PIC), HUD/PIH.01, 84 FR 11117 (March 25, 2019).

- Enterprise Income Verification (EIV), HUD/PIH-5, EIV 71 FR 45,066 (August 8, 2006), which was updated by 74 FR 45235 (September 1, 2009).
- Tenant Rental Assistance Certification System (TRACS), HSNG/MF.HTS.02, 81 FR 56684 (August 22, 2016).

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**[Billing Code 4210-67]**

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